REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this amendment, claims 1, 7, and 12 have been amended. Thus, claims 1-16 are pending for further examination.

Applicant's remarks challenging the rejection of claims 1-16 under 35 USC 103 as allegedly being obvious over Ventrella in view of Bickmore were deemed unpersuasive. Without acquiescing to the propriety of the arguments in the Advisory Action, and without acquiescing to the propriety of the rejections under 35 USC 103, Applicant has amended claims 1, 7, and 12 to more patentably distinguish the invention defined by the claims from the prior art of record. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Ventrella seems to suggest having avatars react to certain stimuli in relation to a set of user-programmed "genes." Users can modify genes, which are "analogous to the genes of a human being, in that they determine characteristics or traits of an avatar that are associate with human being" (col. 3, lines 15-17). Examples of genes are "alertness, shiftiness, curiosity, and tendency to daydream" (col. 17, lines 42-44). As an example, when the user specifies a high level of alertness, the avatar's head will orientation will adjust rapidly to respond to a moving stimulus, such as a bird (col. 18, lines 13-34). Similarly, "curious" avatars may look at low-priority stimuli, such as a cat walking by the avatar (col. 19, lines 21-34).

But the user in Ventrella clearly knows how the avatars will react to stimuli because they specify the genes that control avatars. For example, as shown in step 1901 in Fig. 19, the avatar's reaction is thoroughly predictable because the "daydream timeout value" is set "according to [the] daydreaminess gene," and the user defines and modifies all genes (col. 5, lines 61-64).

Unlike the system of Venrella, currently amended claim 1 requires that "the tag is defined such that the user does not know that the tag is present, and the user does not know how the tag will affect the animation." This requirement differs from Ventrella, where the user specifies genes that govern responses to various stimuli. Thus, with respect to the examples above, the user of a system according to the current claims would not know that a bird contained a tag. Moreover, the user also would not know how the avatar will react. In Ventrella, the reaction is based solely on the alertness gene. But here, the reaction is free from any user-controlled pre-defined characteristics.

The system according to the claims herein is advantageous because it promotes lifelike, custom responses to tagged objects. It is also advantageous because the user's ignorance of the surrounding tags and the reactions associated thereto promotes the spontaneous actions and reactions of avatars. The spontaneity, in turn, increases the realness of the system while furthering user enjoyment.

Bickmore was introduced because Venrella does not teach or suggest assigning tag information to tags. Even if the combination of Venrella and Bickmore were appropriate, Bickmore does not make up for the deficiencies as set forth above with respect to

Ventrella. Thus, Applicant respectfully submits that Venrella in view of Bickmore does not render these claims obvious.

For at least the above reasons, Applicant believes that the claimed invention is not obvious in view of the cited prior art. Thus, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Applicant also submits that amended independent claims 7 and 12 are not rendered obvious by the cited references for substantially the same reasons set forth above with respect to claim 1. Applicant respectfully submits that the remaining claims (i.e. claims 2-6, 8-11, and 13-16) are allowable at least by virtue of their respective dependence from allowable independent amended claims 1, 7, and 12.

In view of the foregoing remarks, Applicant believes that all of the pending claims clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejection and passage of this case to issuance at an early date are earnestly solicited.
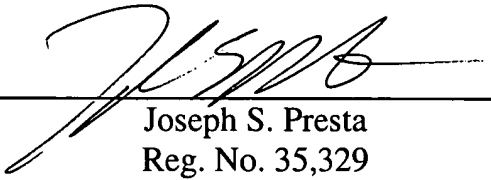
Should the Examiner have any questions, or deem that any further issues need to
be addressed prior to allowance, the Examiner is invited to call the undersigned attorney
at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
Joseph S. Presta
Reg. No. 35,329

JSP:jr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100